

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELECTRICAL WORKERS' INSURANCE
FUND, *et al.*,

Plaintiffs,

Case No. 10-10897
HON. GEORGE CARAM STEEH

vs.

APPLIED BUILDING TECHNOLOGIES, INC., a/k/a
APPLIED BUILDING TECHNOLOGIES and a/k/a
SECURTEC ELECTRONICS SYSTEMS, INC.,

Defendant.

ORDER DENYING PLAINTIFFS' RENEWED MOTION FOR DEFAULT JUDGMENT
[#20]

On August 12, 2010, plaintiffs filed a renewed motion for default judgment. On August 18, 2010, plaintiffs filed a request for clerk's entry of judgment by default pursuant to Federal Rule of Civil Procedure 55(b)(1). Rule 55(b)(1) states:

(b) Entering a Default Judgment.

(1) By the Clerk. If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff's request with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.

Fed. R. Civ. P. 55(b)(1). The clerk entered defendant's default on May 12, 2010. See Dkt. No. 12. Plaintiff has indicated a preference to pursue its request for clerk's entry of judgment. The court therefore denies and dismisses plaintiffs' August 12, 2010 renewed

motion for default judgment, so that the clerk may act on plaintiff's request for entry of judgment by default for a sum certain as contemplated by Rule 55(b)(1).

IT IS HEREBY ORDERED that plaintiffs' renewed motion for default judgment is DENIED.

SO ORDERED.

Dated: September 1, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 1, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk